

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:99-00155-02

MARGORETTI RUCKER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On March 22, 2012, the United States of America appeared by William B. King, II, Assistant United States Attorney, and the defendant, Margoretti Rucker, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Troy A. Lanham, the defendant having commenced a three-year term of supervised release in this action on April 29, 2011, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on May 8, 2000.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by him on July 7 and 14, August 3 and 19, September 7 and 16, October 5, 27 and 28, November 22 and December 7 and 19, 2011, and January 23 and 25 and February 9, 2012; (2) that the defendant frequented places where controlled substances are sold on July 7 and 14, August 3 and 19, September 7 and 16, and October 5 and 27, 2011; (3) that the defendant admitted associating with persons engaged in criminal activity on July 7 and 14, August 3 and 19, September 7 and 16, and October 5 and 27, 2011; (4) that the defendant has failed to make a payment as directed by the court toward the fine balance of \$550 since his release from custody on April 29, 2011; and (5) that the defendant failed to abide by the special condition that he attend and complete the twenty-eight day inpatient substance abuse treatment program at Prestera and afterwards reside at Dismas Charities for 180 days inasmuch as he was admitted to Prestera on February 2, 2012, and was discharged from the program on February 7, 2012, due to his non-compliant

behavior; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

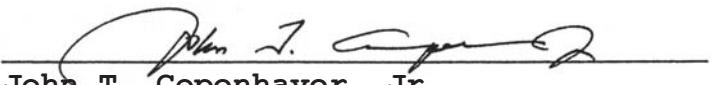
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ONE YEAR AND ONE DAY, to be followed by a term of twenty-four months less one day of supervised release upon the standard conditions of supervised release now in effect in this

district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that the defendant participate in substance abuse treatment and counseling and mental health counseling and treatment as directed by the probation officer. The \$1,000 fine is hereby reimposed, of which \$550 is still owing, and the defendant shall make fine payments as heretofore directed by the court.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 28, 2012

  
John T. Copenhaver, Jr.  
United States District Judge